

Washington, D.C. 20530

August 29, 2008

TO: Calvin Jenkins, Acting Associate Administrator
Office of Government Contracting and Business Development
U. S. Small Business Administration

FROM: David Sutton, Director /s/
Office of Small and Disadvantaged Business Utilization

SUBJECT: DOJ's FY 2009 Small Business Plan

Here is DOJ's FY 2009 Small Business Plan. If you have any questions on the content of this plan, please contact Mr. Robert Connolly via email at Robert.L.Connolly@usdoj.gov or by phone on 202-616-6596.

1. Implemented a strategic plan to increase the value of competitively awarded contracts to small businesses during the period.

Yes. DOJ has implemented its strategic plan for increasing the value of competitively awarded contracts to small businesses. DOJ's Office of Small and Disadvantaged Business Utilization (OSDBU) will continue to review planned procurements and proposed small business subcontracting plans in accordance with DOJ's Procurement Guidance Document (PGD) 06-02, Small Business Procurement Reviews, **Enclosures 1 and 1a**. This document was our formal strategy to increase competitively awarded contracts to small businesses. The reviews have ensured that small businesses have the maximum practicable opportunity to participate in DOJ prime and subcontracts. In addition to making these reviews, the OSDBU will also continue to be very active in periodically reviewing goaling reports in the Federal Procurement Data System-Next Generation (FPDS-NG) and the Electronic Subcontract Reporting System (eSRS). When prime and subcontracting accomplishments are below expected levels, the OSDBU Director will continue to schedule meetings with DOJ component organizations to point out areas where goals are not met, identify corrective actions, and provide technical assistance and training.

In addition to the procurement reviews, DOJ has developed an extensive small business outreach program. The calendar of DOJ's internal outreach events for FY 2009 is at **Enclosure 2**. The events will be held for Small, 8(a), Small Disadvantaged, HubZone, Woman-Owned and Service Disabled Veteran-Owned Small Businesses to provide: (i) information on how DOJ and its major components are organized; (ii) DOJ's planned prime and subcontract opportunities; (iii) points of contact (small business specialists) within the various DOJ components; and (iv) matchmaking opportunities with DOJ component representatives and/or prime contractors. Approximately 100 small business representatives are expected at each DOJ outreach session.

During FY 2009, DOJ will also continue to participate in outreach sessions sponsored by other Federal agencies, members of congress, and various trade associations.

2. Demonstrated top-level Agency commitment to small business contracting during the period.

Yes. The Assistant Attorney General for Administration/Chief Acquisition Officer and the Deputy Assistant Attorney General, Policy Management and Planning, will continue to demonstrate extensive support for and a commitment to small business prime and subcontracting. They will continue to ensure that the OSDBU Director has a "seat at the table" at high-level management meetings, to include the Justice Acquisition Council, which is made up of all of the Department's Procurement Executives, and that the OSDBU Director is kept aware of major contracting efforts and potential small business issues. The Justice Acquisition Council meetings, which are held at least quarterly, will continue to provide the OSDBU Director a forum for addressing the Department's Senior Procurement Executives on small business matters. During these high-level management meetings, both senior officials will continue to make very clear public statements about their support for the department's small business programs and their expectation that the Department's senior officials will support the program.

They will also continue to challenge the Department's senior contracts and program officials to meet our small business goals during the June 2009 small business awards ceremony and at other management meetings. The Assistant Attorney General and the Deputy will also continue to direct DOJ senior managers to coordinate with OSDBU on procurement strategies for major DOJ initiatives to ensure that small businesses have an opportunity to participate, and make sure the OSDBU has needed resources to implement the small business program within DOJ.

Support for small business programs is included in both of their performance work plans and the Assistant Attorney General for Administration serves as the Designated Senior Official for implementing the Department's Service Disabled Veteran-Owned Small Business Strategy. A copy of the Strategy is at **Enclosure 3**. During FY 2009, the Assistant Attorney General for Administration plans to sign a memorandum to DOJ components emphasizing the Department's support for small business programs and requesting that support for small business programs be included as part of senior managers' and contracting staffs' performance work plans.

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3. Planned significant events to increase small business participation in the procurement process during the period.

Yes. In addition to the Procurement Guidance Document (PGD 06-02), **Enclosure 1** and the calendar of outreach events, **Enclosure 2**, the Department will also participate in SBA's matchmaking events, and outreach events put on by other entities including the National Women's Chamber of Commerce, the National Hispanic Chamber of Commerce, the National

Minority Suppliers Development Council and other Federal Agencies, members of Congress and other trade associations. Further, the Department will continue to actively participate in monthly meetings of the OSDBU Council, where methods of increasing participation by small businesses are shared among Federal OSDBU Directors and their staffs. The Department will also continue to implement its strategy for improving contracting opportunities for Service Disabled Veteran-Owned Small Businesses, (**Enclosure 3**). In addition to being posted on the DOJ ODBU website, the strategy is also linked to the websites of the Department of Veterans Affairs' Center for Veteran Enterprise, The Association for Service-Disabled Veterans, and SBA's Office of Government Contracting.

4. Demonstrates that small business data is accurately reported in FPDS-NG during the period.

Yes. DOJ will continue to comply with Procurement Guidance Document (PGD) 07-05, Federal Procurement Data Verification and Validation on March 22, 2007, to ensure small business data is accurately reported in FPDS-NG. A copy of this PGD is at **Enclosure 4**. The PGD outlines procedures DOJ will follow to ensure that FPDS-NG data is accurate and timely and that the data is verified and validated. It also calls for an independent annual certification of the data to be provided to GSA and OMB. By ensuring FPDS is accurate, we will also satisfy most of the requirements of the contract portion of the Federal Funding Accountability and Transparency Act of 2006.

In addition, the OSDBU will run FPDS-NG anomaly reports at least quarterly to determine whether procurement dollars with "Other Than Small" Businesses have been reported erroneously as "Small" business dollars and conversely "Small" business dollars have been erroneously reported as "Other Than Small" business dollars, since both situations can occur and possibly misstate DOJ's small business accomplishments. The anomaly reports will be run no later than the last day of each calendar quarter.

Specifically, the OSDBU staff will:

- Run ad-hoc reports designed to identify universities, Federal departments, state governments, city governments, and other non-profit vendor types that are mistakenly coded as "Small Businesses."
- Run the Small Business Goaling Report and drill down to the award detail for each bureau. The OSDBU will then examine the results to identify records to businesses that are known to be other than small in all NAICS codes, but are mistakenly coded as small businesses, i.e. Lockheed Martin, John Deere, Staples, Boeing, etc. Conversely, the OSDBU will also be looking for known "Small" Businesses that are erroneously recorded as "Other Than Small". Any errors found will be promptly reported to the Small Business Specialist at the responsible DOJ component for correction.

During this quarterly process, the OSDBU will also look to identify miscoded records that are funded by DOJ, but awarded by other agencies/departments. If such records are identified, DOJ will work with the agencies/departments responsible for the entries to ensure that the errors are corrected.

5. Demonstrates that policies and procedures are in place to ensure compliance with subcontracting plans and attainment of subcontracting goals during the period.

Yes. The OSDBU reviews all proposed small business subcontracting plans IAW PGD 06-02, **Enclosure 1**. In addition, the OSDBU uses data in the Electronic Subcontract Reporting System (eSRS) extensively, to monitor the Department's small business subcontracting accomplishments. Although acceptance of Individual Subcontracting Reports (ISRs) is left up to contracting officers, the OSDBU reviews and accepts/rejects Summary Subcontracting Reports (SSRs)—the reports used to determine our small business subcontracting accomplishments. If accomplishments shown in SSRs appear low, the OSDBU coordinates with the contracting officer(s) before accepting the reports. Also, if a DOJ component is not meeting its subcontracting goals, the OSDBU schedules a meeting with the component to discuss corrective actions. In addition, when prime contractors are not entering data correctly, the OSDBU provides technical assistance as required.

6. Demonstrated that no unjustified bundling has taken place during the period.

Yes. As part of the procurement review process for all planned full and open procurements described in Procurement guidance Document 06-02, **Enclosure 1**, contracting officers must certify whether the requirement is bundled or not, and if bundled, must justify the bundling and explain how the impact of bundling will be mitigated. DOJ anticipates no unjustified bundling during the period.

7. Planned training to contracting staff/managers in executing small business/socioeconomic procurements during the period.

Yes. The OSDBU is in the process of preparing a detailed training plan for contracting staff/managers in executing small business/socioeconomic procurements during FY 2009. DOJ will provide SBA a copy of the detailed training plan showing the dates, topics, and target audiences during the December 2008 update to the FY 2009 Plan. In addition, OSDBU will continue to provide other technical assistance and training to contracts and program staffs upon request. Documentation for this training will also be provided to SBA during FY 2009.

8. Planned to collaborate with SBA on formulation of small business procurement policy initiatives during the period.

Yes. The OSDBU Director and/or his Deputy Director plan to actively collaborate with SBA on the formulation of small business procurement policy initiatives during FY 2009. DOJ's OSDBU will continue to actively attend and participate in SBA's Small Business Procurement Advisory Council meetings and other ad hoc meetings put on by SBA. The OSDBU will also thoroughly review any proposed small business policies and make sure it provides SBA input. Documentation of DOJ's collaboration with SBA will be provided in the next FY 2009 plan update.

9. Agency submits all strategic plans and reports that became due to SBA during the reporting period.

Yes. The OSDBU has developed a checklist to ensure that deadlines are met for all required strategic plans and annual reports that are due to SBA during FY 2009. A copy of the checklist is at **Enclosure 5**. This checklist has been implemented and will ensure that all required strategic plans and annual reports will be submitted to SBA timely.



U.S. Department of Justice

Washington, D.C. 20530

January 27, 2006

MEMORANDUM FOR BUREAU PROCUREMENT CHIEFS

FROM: Michael H. Allen /s/
Procurement Executive

David Sutton, Director /s/
Office of Small and Disadvantaged
Business Utilization

SUBJECT: DOJ Procurement Guidance Document 06-02
Small Business Procurement Reviews

Purpose

The purpose of this document is to implement procedures for reviewing procurements to ensure that small businesses have the maximum practicable opportunity to participate in DOJ prime and subcontracts.

Background

As stated in FAR 19.201(a), it is the policy of the Government to provide maximum practicable opportunities in its acquisitions to small business, veteran-owned small business, service-disabled veteran-owned small business, HUBZone small business, small disadvantaged business, and women-owned small business concerns. FAR Subpart 19.5 addresses procedures for setting aside acquisitions for small businesses.

In accordance with the Small Business Act (Public Law 85-536, as amended) and 28 CFR §0.18a, the Director, Office of Small and Disadvantaged Business Utilization (OSDBU) is responsible for the implementation and execution of the functions and duties required by sections 637 and 644 of title 15 U.S. Code. These responsibilities include reviewing procurements to ensure small business concerns have maximum practicable opportunities to participate in Department acquisitions and having supervisory authority over individuals performing functions and duties of the Director, OSDBU.

Procedures

1. **Prime Contract Opportunities.** Department contracting and program officers shall do adequate market research, in accordance with FAR 10.001, to determine whether requirements are within the capabilities of small businesses and to mitigate the impacts of contract bundling on small businesses. To document research efforts, Contracting Officers (COs) shall prepare a "Record of Small Business Procurement Review," copy attached, for each planned open market procurement estimated to cost more than \$100,000. Specifically excluded from this requirement are delivery/task orders and modifications issued against existing open market contracts and Federal Supply Schedules—unless such orders or modifications result in contract bundling as defined in FAR 7.104(d)(2). Excluded also from this requirement are proposed open market acquisitions that are exempt from full and open competition in accordance with Subpart 6.3 of the FAR. The CO shall provide the completed form to the cognizant small business specialist for review and concurrence.

a. **Small Business Set-asides.** In cases where a bureau and its small business specialist agree that a planned procurement shall be a full or partial small business set-aside (whether a Small, 8(a), HUBZone, or Service-Disabled Veteran-Owned Small Business Set-aside), the small business specialist's concurrence shall be considered final and the Director, OSDDBU shall not be involved in the review process. (This includes situations where the contracting officer anticipates a multiple award and some, but not all, of the awards are set aside for small businesses.) However, when determining set-aside types, i.e., Small, 8(a), HUBZone, or Service Disabled Veteran-Owned Small Business set-asides, bureaus should consider the results of market research and areas where small business goals are not being met.

b. **Other Than Small Business Set-asides.** In cases where a bureau and its small business specialist agree that a planned procurement will not be a small business set-aside, the Record of Small Business Procurement Review Form, along with all supporting documentation, shall be provided to the Director, OSDDBU for concurrence. The supporting documentation should include market research that clearly shows why the procurement is not suitable for award to a small business.

c. **Disagreements.** In cases where bureau personnel and small business specialists cannot agree that a requirement will or will not be set-aside for small businesses, the procurement review form, along with all supporting documentation, shall be forwarded to the Director, OSDDBU for the Director's recommendation. If the disagreement cannot be resolved at this level, the matter shall be elevated to the Department's Senior Procurement Executive for resolution.

d. **Time Frames.** The turnaround time for small business specialist review shall be no more than 10 workdays from the date of receipt of the review form and supporting documentation. The turnaround time for OSDDBU review shall be no more than five

workdays from the date of receipt of the review form and supporting documentation. Should small business specialists or the Director, OSDBU not receive adequate supporting documentation, the package shall be returned to the CO and the turnaround time shall start over once a complete package is received. To ensure that procurements are not delayed, it is imperative that COs prepare procurement review forms, along with supporting documentation, as early as possible during the procurement process. For unforeseen urgent requirements, however, small business specialists and the Director, OSDBU shall perform their reviews as expeditiously as possible, considering workload and available staffing.

e. Oversight. The Director, OSDBU shall make periodic reviews to evaluate small business specialists' procedures for conducting prime contract reviews and make recommendations where appropriate. The Director, OSDBU shall also follow-up with small business specialists when anything comes to his/her attention that indicates adequate consideration was not given to utilizing small businesses for a particular requirement.

2. Subcontract Opportunities. All reviews of prime contractors' proposed small business subcontracting plans shall be the responsibility of the Director, OSDBU. COs shall provide proposed plans to the Director, OSDBU for review. The Director, OSDBU shall review the plans to determine whether the prime contractors' proposed subcontracting goals are in line with the department's subcontracting goals. Based on this review, the Director, OSDBU shall either recommend approval of the proposed subcontracting plans as submitted or recommend that the CO request the prime contractors to increase subcontracting goals. The Director, OSDBU shall complete his/her review of proposed subcontracting plans within 10 workdays of receipt. Once the CO approves a prime contractor's subcontracting plan, the CO shall provide a copy of the approved plan to the Director, OSDBU. The Director, OSDBU shall use the approved subcontracting plans to monitor actual small business subcontracting accomplishments in the Electronic Subcontract Reporting System (eSRS).

3. Waivers. The requirements contained in this document may be waived in whole or in part by the Director, OSDBU. Requests for waiver must be in writing from the Bureau Procurement Chief or equivalent, and fully explain and document the basis for a waiver.

Please make this memorandum immediately available to the appropriate people in your organization and add this document to your collection of DOJ Procurement Guidance Documents. Questions should be directed to David Sutton, Director, OSDBU at 202/616-0523 or by email at david.sutton@usdoj.gov.

Attachment

cc: Department Small Business Specialists

**U.S. Department of Justice
Office of Small & Disadvantaged Business Utilization
Record of Small Business Procurement Review**

| Part I – Description of Requirement | | | |
|--|---|--|--|
| 1. Requisition No. | 2. Solicitation No. | 3. Project Title or Description of Item/Service | |
| 4. Contract Type | 5. Single/Multiple Award | 6. Program/Project Management Office | |
| 7. NAICS Code | 8. Size Standard | 9. Period of Performance (Including All Options) | 10. Total Est. Value (including All Options) |
| Part II – Recommended Method of Procurement | | | |
| 11. Proposed Procurement Method <i>(Place an "X" in the applicable Box in the Left Column)</i> | | | |
| <input type="checkbox"/> | Full and Open Competition | | |
| <input type="checkbox"/> | Total Small Business Set-Aside | | |
| <input type="checkbox"/> | Partial Small Business Set-Aside <i>(Describe the Set-Aside Portion Below)</i> | | |
| <input type="checkbox"/> | SBA 8(a) - Sole Source | | |
| <input type="checkbox"/> | SBA 8(a) - Competitive | | |
| <input type="checkbox"/> | HUBZone - Sole Source | | |
| <input type="checkbox"/> | HUBZone - Competitive | | |
| <input type="checkbox"/> | Service Disabled Veteran - Sole Source | | |
| <input type="checkbox"/> | Service Disabled Veteran - Competitive | | |
| <input type="checkbox"/> | GSA Federal Supply Schedule, GWAC, Other <i>(Insert Schedule, Contract No., Program, etc. Below):</i> | | |
| 12. Efforts to Locate Sources <i>(Place an "X" in the Box in the Left Column for All that Apply)</i> | | | |
| <input type="checkbox"/> | Sources Sought Announcement in FedBizOpps | | |
| <input type="checkbox"/> | Small Business Database <i>(Describe Below, e.g., CCR)</i> | | |
| <input type="checkbox"/> | Review of Previous Procurement or Similar Procurement Action | | |
| <input type="checkbox"/> | Consultation with Program Office | | |
| <input type="checkbox"/> | Other <i>(Describe Below)</i> | | |
| 13. Other Considerations <i>(Place an "X" in the Box in the Left Column for All that Apply)</i> | | | |
| <input type="checkbox"/> | Subcontracting Plan Required | | |
| <input type="checkbox"/> | Incentive Subcontracting Provision will be Included | | |
| <input type="checkbox"/> | Mentor-Protégé Program Applies | | |
| <input type="checkbox"/> | Bundled Requirement | | |
| Part III – Procurement History | | | |
| 14. New Requirement or Recompetition <i>(Place an "X" in the Applicable Box in the Left Column)</i> | | | |
| <input type="checkbox"/> | New Requirement | | |
| <input type="checkbox"/> | Recompetition of Current/Expired Contract(s) for Same Requirement <i>(Complete Item 15)</i> | | |
| <input type="checkbox"/> | Recompetition of Current/Expired Contract(s) for Similar Requirement <i>(Complete Item 15)</i> | | |

**U.S. Department of Justice
Office of Small & Disadvantaged Business Utilization
Record of Small Business Procurement Review**

| | | |
|--|--|-------------------|
| 15. Current/Expired Contract(s) Information | | |
| a. Current/Expired Contract Number(s): | | |
| b. Award Date(s): | | |
| c. Method of Procurement (i.e., Full and Open, Total SBSA, Partial SBSA, SBA 8(a), etc.): | | |
| d. Contract Amount: | | |
| e. Name of Contractor(s): | | |
| f. Size of Each Contractor at Time of Award: | | |
| g. NAICS Code and Size Standard from Previous Solicitation: | | |
| h. GSA/FSS, GWAC, or IAG Information: | | |
| Part IV – Documentation Submitted by Contracting Officer | | |
| 16. Supporting Documents Provided <i>(Place an "X" in the Box in the Left Column for All that Apply)</i> | | |
| <input type="checkbox"/> | Statement of Work/Specifications | |
| <input type="checkbox"/> | Government Cost Estimate | |
| <input type="checkbox"/> | Market Research/Market Survey | |
| <input type="checkbox"/> | Bundling Justification and Mitigation Plan | |
| <input type="checkbox"/> | Other Factors that Support the Recommended Method of Procurement <i>(Describe Below)</i> | |
| 17. Contracting Officer Signature | | |
| a. Signature | b. Name & Title | c. Date Submitted |
| Part V – Small Business Specialist Review | | |
| Date Received: <input type="checkbox"/> Concur <input type="checkbox"/> Non-Concur <i>(Attach Reason for Non-Concurrence)</i> | | |
| 18. Small Business Specialist Signature | | |
| a. Signature | b. Name & Title | c. Date Signed |
| Part VI – OSDBU Review | | |
| Date Received: <input type="checkbox"/> Concur <input type="checkbox"/> Non-Concur <i>(Attach Reason for Non-Concurrence)</i> | | |
| 19. Office of Small & Disadvantaged Business Utilization Signature | | |
| a. Signature | b. Name & Title | c. Date Signed |

OSDBU CALENDAR OF EVENTS 2009

| EVENT | DATE | LOCATION | POINT OF CONTACT |
|---|-------------------|--|----------------------------------|
| SDVOSB Vendor Outreach Session | October 21, 2008 | OSDBU 1331 Penn Ave, NW Suite 1160-A 9:00 am to 12:00 pm | Kerrie Jackson (202) 616-0521 |
| HubZone Vendor Outreach Session | November 18, 2008 | OSDBU 1331 Penn Ave, NW Suite 1160-A 9:00 am to 12:00 pm | Kerrie Jackson (202) 616-0521 |
| 8(a) Vendor Outreach Session | December 16, 2008 | OSDBU 1331 Penn Ave, NW Suite 1160-A 9:00 am to 12:00 pm | Kerrie Jackson (202) 616-0521 |
| Vendor Outreach Session | January 20, 2009 | OSDBU 1331 Penn Ave, NW Suite 1160-A 9:00 am to 12:00 pm | Kerrie Jackson (202) 616-0521 |
| Vendor Outreach Session | February 17, 2009 | OSDBU 1331 Penn Ave, NW Suite 1160-A 9:00 am to 12:00 pm | Kerrie Jackson (202) 616-0521 |
| Vendor Outreach Session | March 17, 2009 | OSDBU 1331 Penn Ave, NW Suite 1160-A 9:00 am to 12:00 pm | Kerrie Jackson (202) 616-0521 |
| OSDBU 17th Annual Procurement Conference | April 2009 | OSDBU 1331 Penn Ave, NW Suite 1160-A 9:00 am to 12:00 pm | Kerrie Jackson (202) 616-0521 |
| Subcontracting Matchmaking Session | May 19, 2009 | To Be Determined | Kerrie Jackson (202) 616-0521 |
| OSDBU FY 08 Small Business Awards Ceremony | June 16, 2009 | OSDBU 1331 Penn Ave, NW Suite 1160-A 9:00 am to 12:00 pm | Kerrie Jackson (202) 616-0521 |
| Vendor Outreach Session | July 21, 2009 | OSDBU 1331 Penn Ave, NW Suite 1160-A 9:00 am to 12:00 pm | Kerrie Jackson (202) 616-0521 |
| Vendor Outreach Session | August 18, 2009 | OSDBU 1331 Penn Ave, NW Suite 1160-A 9:00 am to 12:00 pm | Kerrie Jackson (202) 616-0521 |